



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

May 13, 2022

Exemption No. 19102  
Regulatory Docket No. FAA-2022-0224

Cpt. Jim Colburn  
Director of Operations  
Frontier Airlines, Inc.  
4545 Airport Way  
Denver, CO 80239

Dear Cpt. Colburn:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for an exemption. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date it ends.

### **The Basis for the FAA's Decision**

By letter dated February 15, 2022, you petitioned the FAA on behalf of Frontier Airlines, Inc. (Frontier) for an exemption from § 121.339(c) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow Frontier to stow survival kits in the overhead bin close to each exit on Airbus models A319, A320, and A321.

The FAA has issued a grant of exemption in circumstances similar in material respects to those presented in your petition. In Grant of Exemption No. 17291 (copy enclosed), the FAA found that survival kits stowed remotely from slide or rafts on Airbus models A319, A320, and A321 provided an equivalent level of safety when operating under certain conditions and limitations.

Having reviewed your reasons for requesting an exemption, I find that:

- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption No. 17291;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption No. 17291 also apply to the situation presented in your petition; and
- A grant of exemption is in the public interest.

AFS-22-00526-E

## **The FAA's Decision**

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested exemption would not set a precedent and any delay in acting on this petition would be detrimental to Frontier.

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, 44701 and 44807, which the FAA Administrator has delegated to me, I hereby grant Frontier Airlines, Inc. an exemption from 14 CFR § 121.339(c) to the extent necessary to allow Frontier to operate Airbus models A319, A320, and A321 aircraft with survival kits remotely stowed from slides and rafts, subject to the conditions and limitations described below.

## **Conditions and Limitations**

1. This exemption applies only to Airbus A319, A320, and A321 aircraft operated by Frontier and that conform to Transport Airplane Directorate Equivalent Level of Safety Memorandum No. TD00839IB-T-CI-14.
2. Frontier must submit to its assigned FAA Certificate Management Office (CMO) and obtain FAA approval for flight attendant procedures to attach survival kits subsequent to ditching and prior to slide or raft disconnect from the aircraft identified in Condition and Limitation No. 1.
3. Frontier must include in its flight attendant operating manual, an FAA-accepted manual, the approved flight attendant procedures identified in Condition and Limitation No. 2.
4. Flight attendants must satisfactorily complete training on the approved procedures identified in Condition and Limitation No. 2 in accordance with Frontier's approved training program.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

## **The Effect of the FAA's Decision**

This exemption terminates on May 31, 2024, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2022-0224 (<http://www.regulations.gov>). In addition, you

should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

David H. Boulter  
Executive Director, Flight Standards Service

Enclosure

Exemption No. 17291

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC 20591

In the matter of the petition of

**DELTA AIR LINES, INC.**

for an exemption from § 121.339(c)  
of Title 14, Code of  
Federal Regulations

**Regulatory Docket No. FAA-2016-5244**

**GRANT OF EXEMPTION**

By letter dated February 29, 2016, Mr. David Stape, Manager, Regulatory Compliance, Delta Air Lines, Inc. (Delta), 1775 MH Jackson Service Road, Atlanta, Georgia 30354, petitioned the Federal Aviation Administration (FAA) on behalf of Delta for an exemption from § 121.339(c) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would allow Delta to operate Airbus A319, A320, and A321 aircraft with survival kits remotely stowed from slide/rafts.

**The petitioner requests relief from the following regulation:**

Section 121.339(c) prescribes that a survival kit, appropriately equipped for the route to be flown, must be attached to each required life raft.

**The petitioner supports its request with the following information:**

The petitioner states that, on the A319, A320, and A321 aircraft, escape slides also serve as life rafts; therefore, survival equipment should be attached to the life raft as required by §121.339(c). However, the volume of the door compartments on these aircraft is quite limited, and the survival kits required for ditching/extended overwater approval will not fit into the same compartment as the escape slide. Relief from this requirement would allow Delta to stow survival kits in a remote location.

The petitioner adds that, in October of 1992, Boeing Commercial Airplane Group (Boeing) petitioned for an exemption from the survival equipment attachment requirements of §§ 25.1415(c) and 121.339(c) for Boeing 757-200 aircraft equipped with

slide/rafts. The FAA granted the petition and issued Exemption No. 5613 on March 5, 1993. Additionally, the FAA issued Exemption No. 5613A on August 5, 1998, extending Exemption No. 5613 to the Boeing 757-300 series.

The petitioner states that, on June 3, 2010, the FAA issued Equivalent Level of Safety (ELOS) Memo TD00839IB-TCI-14 for §25.1415(c) for the A318, A319, A320, and A321 aircraft, which allows survival kits to be stowed near the required floor-level exits due to the space constraints of the slide bustles. As a result, the survival kits are immediately available to flight attendants seated at the exit. The petitioner further states that this ELOS is noted in Type Certificate Data Sheet (TCDS) number A28NM, Rev 20.

As part of its petition for exemption, the petitioner requested that the public comment phase be waived as per § 11.87(a) because the relief sought by the petitioner has been provided by Exemption No. 5613, and therefore, the relief sought would not set precedent. The petitioner asserts that the conditions and circumstances, in regard to public interest and equivalent levels of safety, which warranted the original grant and amendment of Exemption No. 5613, continue to exist. The petitioner declares that it has exercised the privilege of Exemption No. 5613A for aircraft covered by the exemption for several years with no known compromise of safety.

Further, the petitioner states that the Inflight Service Onboard Manual for its A319, A320, and A321 aircraft provides procedures, which are reinforced with training, for attaching the survival kits to slide/rafts in the event of a ditching scenario.

Lastly, the petitioner maintains that, based on the information provided in its petition, granting the petitioner the same relief for the Airbus A319, A320, and A321 aircraft as permitted in Exemption No. 5613A for Boeing aircraft, will allow the petitioner to continue to provide a useful device that benefits the commercial aviation industry and the flying public.

A summary of the petition was published in the Federal Register on April 27, 2016 (81 FR 24935). No comments were received.

**The FAA's analysis is as follows:**

The FAA considered all the information presented by the petitioner in its request for relief from § 121.339(c) to the extent necessary to permit Delta to operate Airbus A319, A320 and A321 aircraft in extended over-water operations with survival kits that are not attached to the required life rafts. The FAA finds that the information provided by the petitioner supports the relief sought.

Section 121.339 prescribes the emergency equipment required for a part 121 operator to conduct extended over-water operations. Section 25.1415 includes aircraft certification requirements related to the operating requirements in § 121.339. Specifically, § 25.1415(c) requires ditching equipment required by operational rules and used in aircraft to be certificated for ditching to meet specific regulatory requirements. Each life raft and each life preserver must be approved. Both §§ 25.1415(c) and 121.339(c) require approved survival equipment to be attached to each

life raft. The purpose of these regulations is to improve the chance of occupant survivability in the event of a ditching or unplanned water landing.

The petitioner asserts that a grant of exemption would have no adverse effect on safety, citing the FAA's issuance of an ELOS finding for the Airbus Model A318, A319, A320, and A321 aircraft. The petitioner states that this ELOS finding allows survival kits to be stowed near the required floor-level exits due to space constraints of the slide bustles.

The FAA Transport Airplane Directorate (TAD) issued the ELOS finding for Airbus Model A318, A319, A320, and A321 aircraft equipped for extended overwater operations (ELOS Memo TD00839IB-T-CI-14). The ELOS finding, which allows survival kits to be located remotely from life rafts for aircraft certification purposes, is documented in the TCDS for these aircraft series. The ELOS finding states:

The Airbus Model A319, A320, and A321 airplanes equipped for extended over-water operations have escape slides in all floor level exit door locations that also serve as life rafts (slide/rafts). Because the escape slides also serve as life rafts, survival equipment should be attached to the life raft as required by § 25.1415(c). However, the volume of the door compartments on these airplanes is quite limited, and the survival kits required for ditching/extended overwater operation will not fit into the same compartment as the escape slide.

The FAA notes that, although the ELOS finding issued in accordance with § 21.21 may allow a method of compliance that is different from that which is stated in the certification requirements of § 25.1415(c), it does not relieve aircraft operators from the associated operational regulations found within § 121.339(c). Thus, an aircraft operator would also require an exemption from the related requirements in § 121.339(c) for extended over-water operations using aircraft on which the survival kit is not attached to the raft. Accordingly, the petitioner requests exemption from § 121.339(c) because the ELOS finding applies to its Airbus A319, A320, and A321 aircraft equipped for extended overwater operations.

The FAA finds that a grant of exemption from § 121.339(c) would not adversely impact safety based on the safety analysis documented within ELOS Memo TD00839IB-T-CI-14. In making the ELOS finding, the TAD explained that existing regulations were issued at a time when the only rafts that existed were portable, remotely stowed devices. Further, the TAD emphasized that slide/rafts are considered to be superior to life rafts because they do not require retrieval from a stowed location prior to manual launching and are instead automatically deployed upon opening the airplane door. Although the survival kit must be attached to the raft as a separate action, since the survival kits are stowed in overhead bins near each floor level exit, the survival kits are immediately available to flight attendants seated at the exits and retrieval is greatly simplified. The ELOS finding concludes that the immediate availability of the slide/raft, and the stowage location of the survival kit provide compensating features that provide at least an equivalent level of safety to the requirement that the survival kit be attached to the life raft.

The FAA agrees with the petitioner's assertion that granting the petitioner an exemption from

§ 121.339(c) to operate A319, A320 and A321 aircraft that are the subject of ELOS Memo TD00839IB-T-CI-14, consistent with the conditions and limitations identified in this exemption, would have no adverse effect on safety and would be in the public interest. The analysis provided in ELOS Memo TD00839IB-T-CI-14 and discussed herein supports the conclusion that slide/rafts are considered to be superior to life rafts because of the efficiencies with respect to deployment of slide/rafts even though the survival kits must be attached to the raft as a separate action. The FAA finds that this increase in efficiency is in the public interest. To complete implementation of this efficiency for air carriers, procedures must be documented in the air carrier operating manual and flight attendants must be trained on these procedures.

Finally, in its petition for exemption, Delta requested that the FAA waive the requirement for public comment per § 11.87(a) because the same relief has been previously allowed by Exemption No. 5613. The petitioner adds that Exemption No. 5613 has been used by Delta for several years with no known compromise of safety. The FAA notes that such an exemption is specific to the airplane make and model and the airplane operator and is based on the terms of an ELOS finding specific to the Boeing aircraft identified in the exemption. Because the FAA had not issued any grants of exemption from § 121.339(c) to operators of Airbus Model A319, A320, and A321 aircraft used in extended over-water operations, the FAA found that the decision in this petition would set a precedent and thus sought comment on the petition.

### **The FAA's Decision**

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 106(f), 40113 and 44701, delegated to me by the Administrator, Delta Air Lines, Inc. is granted an exemption from § 121.339(c) to the extent necessary to allow Delta Air Lines to operate Airbus A319/A320/A321 aircraft with survival kits remotely stowed from slide/rafts. When exercising the privileges of this exemption, the following conditions and limitations apply:

### **Conditions and Limitations**

1. This exemption applies only to Airbus A319, A320, and A321 aircraft operated by Delta and that conform to TAD ELOS Memo TD00839IB-T-CI-14.
2. Delta must submit to its assigned FAA Certificate Management Office (CMO) and obtain FAA approval for flight attendant procedures to attach survival kits subsequent to ditching and prior to slide/raft disconnect from the aircraft identified in Condition and Limitation No. 1.
3. Delta must include in its flight attendant operating manual, an FAA-accepted manual, the approved flight attendant procedures identified in Condition and Limitation No. 2.
4. Flight attendants must satisfactorily complete training on the approved procedures identified in Condition and Limitation No. 2 in accordance with the operator's approved training program.

This exemption terminates on April 30, 2022, unless sooner superseded or rescinded.

Issued in Washington, DC, on March 31, 2017.

/s/

John Barbagallo  
Deputy Director, Flight Standards Service